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October 23, 2007

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

GRANTED

OCT 26 2007
Christina
COMPETITION POLICY DIVISION
WIRELINE COMPETITION BUREAU

Re: Request for Special Temporary Authority in Connection With Time Warner Cable Section 63.71 Discontinuance Application, WC Docket No. 07-238

Dear Ms. Dortch:

Time Warner Cable Information Services (Texas), L.P. d/b/a Time Warner Cable ("TWC"), through undersigned counsel, hereby requests special temporary authority ("STA") to discontinue the provision of circuit-switched domestic telecommunications services to customers in the following communities in Texas: Addison, Double Oak, Farmers Branch, Grand Prairie, Lancaster, Lewisville, Murphy, Rockwall, Sunnyvale, Bedford, Colleyville, Desoto, Mesquite, Parker, Plano, and Rowlett (collectively the "Texas Communities"). On July 12, 2007, TWC filed an application pursuant to Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, seeking authority to discontinue the provision of circuit-switched domestic telecommunications services to approximately 12,240 customers in the Texas Communities on or after September 12, 2007.¹ In the weeks following the filing of that Section 63.71 Application, however, TWC inadvertently failed to recognize that the Commission did not issue a public notice that would trigger automatic approval of its application 31 days thereafter. Thus, TWC proceeded to discontinue service to certain customers on or about September 12, 2007 without having received Commission authorization. TWC accordingly requests a grant of STA that will remain in effect until the Section 63.71 Application — which TWC is amending in a letter filed herewith — has been approved.

TWC respectfully submits that a grant of STA would be consistent with the public interest and would not cause prejudice to any consumer. TWC filed an application in conformity with the requirements of Section 63.71 more than 60 days in advance of the proposed

¹ A date-stamped copy of this application is attached hereto as Exhibit 1.

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discontinuance date. Before doing so, TWC had mailed a notice to each affected customer that included the information required for non-dominant carriers pursuant to Section 63.71(a)(5)(i). Moreover, although not required to do so, TWC mailed three additional notices (all of which included the statement from Section 63.71(a)(5)(i)) to any customer who had yet to respond or to obtain service from the incumbent LEC or another carrier, and TWC also placed calls to such subscribers.²

As a result of these notices, affected customers were repeatedly informed of the need to make alternative service arrangements, and they had multiple opportunities to file complaints with the Commission if they sought to object to the proposed discontinuance. No customer claimed an inability to purchase service from an alternative provider. In fact, given TWC's status as a non-dominant provider, all customers had the option of purchasing a regulated service plan from the incumbent LEC or purchasing service from another competitor.

TWC understands the need to obtain prior authorization before discontinuing circuit-switched service to any customer, and indeed TWC filed an application requesting such authorization. Regrettably, however, TWC failed to recognize the absence of public notice in this instance. TWC has taken steps to ensure that no future discontinuances will occur until Commission authorization has been granted. In these circumstances, TWC respectfully submits that a grant of STA is warranted.

Please contact the undersigned if you have any questions regarding this matter.

Sincerely,

/s/ Matthew A. Brill

Matthew A. Brill
Counsel for Time Warner Cable

Attachment

cc: Rodney McDonald

² TWC also mailed copies of the application at issue to the Texas Public Utilities Commission, the Governor of Texas, and the U.S. Department of Defense. See 47 C.F.R. § 63.71(a).